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**Fourth and Final Meeting  
2005 Interim  
December 9, 2005**

**LCR 1 & 2  
State Capitol  
Pierre, South Dakota**

The fourth and final meeting of the South Dakota Task Force to Study Abortion was called to order by Chair Dr. Marty Allison at 8:00 a.m. (CT), December 9, 2005, in LCR 1 and 2 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senator Stanford Adelstein, Dr. Marty Allison (Chair), Dr. Maria Bell (Vice Chair), Mr. Travis Benson, Senator Jay Duenwald, Senator Brock Greenfield, Ms. Linda Holcomb, Representative Roger Hunt, Representative Elizabeth Kraus, Ms. Kate Looby, Representative Kathy Miles, Dr. John Stransky, Dr. Allen Unruh, and Dr. David Wachs. Senator Julie Bartling and Representative Roger Hunt participated by phone. Mr. David Day and Senator Theresa Two Bulls were excused.

Staff members present included Reuben D. Bezpaletz, Chief of Research and Legal Services; Jim Fry, LRC Director; Jacquelyn Storm, Principal Legislative Attorney; and Teri Retrum, Senior Legislative Secretary.

**(NOTE:** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all reference documents are on file with the Master Minutes.)

### **Department of Health**

**Ms. Doneen Hollingsworth**, Secretary of the Department of Health, distributed copies of and reviewed the following:

- An Abortion and Birth Data Reporting Brief;
- The Report of Induced Abortion, 2004 Form; and
- The Physician's Induced Abortion Forms, Parental Notice and Voluntary and Informed Consent.

The material is compiled and labeled **Document #1**.

Ms. Hollingsworth also made available copies of the 2003 South Dakota Vital Statistics Report.

### **Department of Social Services**

**Ms. Deb Bowman**, Secretary of the Department of Social Services, reported that the DSS has limited to no involvement related to abortion. Ms. Bowman said that DSS does not pay for abortions for its clients.

### **Recorded Informed Consent Message**

As facilitated by **Ms. Kate Looby**, the Task Force heard one of the recorded four-minute informed consent messages from the Planned Parenthood Clinic in Sioux Falls

### **Approval of Minutes**

**Ms. Linda Holcomb** said that the minutes of the October 20 and 21, 2005, meeting need to be corrected to reflect that Ms. Sue Timmons did not have an abortion nor did she speak in opposition to abortion and that a new category be inserted as follows:

"The following individual asked that the task force reach common ground in order to reduce unintended pregnancies that lead to abortion:

**Ms. Sue Timmons"**

**MS. HOLCOMB MOVED, SECONDED BY DR. BELL, THAT THE MINUTES OF THE OCTOBER 20 AND 21, 2005, MEETING BE AMENDED TO REFLECT THE CORRECTION REGARDING MS. TIMMONS' COMMENTS. The motion prevailed on a voice vote.**

**SENATOR ADELSTEIN MOVED, SECONDED BY MS. HOLCOMB, THAT THE MINUTES BE AMENDED TO ADD THE NAMES OF THE STATES OF RESIDENCE AFTER THE NAMES OF THE INDIVIDUALS WHO PROVIDED PUBLIC TESTIMONY. The motion prevailed on a voice vote.**

**Representative Elizabeth Kraus** commented that all of the individuals who spoke during public testimony should be treated the same.

**REPRESENTATIVE KRAUS MOVED, SECONDED BY SENATOR GREENFIELD, THAT THE MINUTES OF THE OCTOBER 20 AND 21, 2005, MEETING BE AMENDED TO REFLECT ALL OF THE INDIVIDUALS WHO SPOKE DURING PUBLIC TESTIMONY IN THE SAME MANNER.**

Ms. Looby said that there should be some type of delineation on each side of the issue.

Representative Kraus agreed.

**MS. LOOBY MADE A MOTION, SECONDED BY DR. BELL, TO AMEND REPRESENTATIVE'S KRAUS'S MOTION TO LEAVE THE CATEGORY DELINEATION ON EACH SIDE OF THE ABORTION ISSUE. The motion to amend Representative Kraus's motion prevailed on a voice vote.**

**Mr. Reuben Bezpaletz** commented that the practice of the Legislative Research Council is to make all necessary corrections to minutes; however, the style and form of the minutes are typically left at the discretion of the Council's staff.

**REPRESENTATIVE KRAUS AND MS. LOOBY WITHDREW THEIR MOTIONS.**

**DR. UNRUH MOVED, SECONDED BY SENATOR ADELSTEIN, THAT THE MINUTES OF THE THIRD MEETING (OCTOBER 20 AND 21, 2005) BE APPROVED, AS AMENDED.** The motion prevailed on a voice vote.

**DR. STRANSKY MOVED, SECONDED BY SENATOR GREENFIELD, THAT STAFF CREATE, BY JUNE OF 2006, A COMPLETE BIBLIOGRAPHY TO PRESERVE THE RECORD OF THE HARD WORK OF THIS TASK FORCE OF THE MANY INDIVIDUALS WHO GAVE OF THEIR TIME AND ENERGY PROVIDING EXPERT TESTIMONY TO THE TASK FORCE.** The motion prevailed on a voice vote.

**DR. UNRUH MOVED, SECONDED BY SENATOR GREENFIELD, THAT STAFF MAKE THE TASK FORCE'S FINAL REPORT AVAILABLE TO THE PUBLIC VIA INTERNET.**

Responding to a question posed by **Mr. Travis Benson**, Mr. Bezpaletz said that a hard copy could be mailed to those who do not have access to electronic copies, if requested. However, Mr. Bezpaletz said that if the practice becomes burdensome, or if it becomes clear that an organized group is making repeated requests for numerous copies, he would have to ask the Executive Board of the Legislative Research Council for direction.

**Dr. Unruh's motion prevailed on a voice vote.**

The task force recessed at 9:25 a.m. and reconvened at 9:50 p.m.

**REPRESENTATIVE KRAUS MOVED, SECONDED BY MR. BENSON, THAT DR. UNRUH'S E-MAILINGS OF MATERIAL PROVIDED TO STAFF BE INCLUDED FOR THE RECORD AS OTHERS HAVE BEEN.** The motion prevailed on a voice vote.

Ms. Looby asked whether a member could submit materials for the record after today's meeting.

Mr. Bezpaletz responded that staff would not accept new materials submitted after adjournment of the final meeting unless specifically directed to do so.

**SENATOR ADELSTEIN MOVED THAT AFTER TODAY'S MEETING, NO FURTHER DOCUMENTATION WILL BE ACCEPTED OR RECORDED.**

**The motion died for lack of a second.**

**DR. UNRUH MOVED, SECONDED BY DR. STRANSKY, THAT ALL INFORMATION COLLECTED TO DATE AND USED TO COLLABORATE THE FINAL REPORT BE ENDED TODAY.**

Mr. Benson asked that the final report include the decision on *Roe v. Wade* and other legal matters concerning the abortion issue.

Upon agreement by **Dr. Allen Unruh** and Dr. Stransky, Mr. Benson's request was added to the motion.

**Dr. Unruh's motion prevailed on a voice vote.**

### **Formulation of the Final Report**

A document prepared by staff titled "Basic Guide to Parliamentary Procedure" was distributed **(Document #2)**.

Following these principles of parliamentary procedure, **Chair Marty Allison** declared that the adoption of the final report will require a vote of the majority of the members of the task force. She commented that votes, other than on the final report, will require a majority of the task force members who are present.

The following draft reports were submitted:

- Report of the South Dakota Task Force to Study Abortion Submitted to the Governor and Legislature of South Dakota **(Document #3)**; and
- Twenty-one Findings and Motions Submitted for the Record **(Document #4)**.

**DR. WACHS MOVED, SECONDED BY DR. STRANSKY, THAT THE TASK FORCE ADOPT DOCUMENT #3 AS THE TASK FORCE'S REPORT.**

**Senator Stanford Adelstein** recommended that the Task Force recess to allow time for persons on each side of the issue to review the draft reports.

After discussion concerning a recess, **SENATOR ADELSTEIN MADE A SUBSTITUTE MOTION SECONDED BY MS. LOOBY, THAT THE TASK FORCE ADOPT DOCUMENT #4 AS THE TASK FORCE'S REPORT, RECESS TO ALLOW TIME FOR EACH SIDE OF THE ISSUE TO REVIEW THE REPORTS, AND RECONVENE AT 12:00 NOON.**

**SENATOR GREENFIELD MADE A PROCEDURAL MOTION, SECONDED BY DR. STRANSKY, THAT THE TASK FORCE RECESS UNTIL 1:00 P.M.** The procedural motion prevailed on a roll call vote with 8 voting AYE, 5 voting NAY, and 4 EXCUSED. Those voting AYE: Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those voting NAY: Adelstein, Allison, Bell, Holcomb, and Looby. Those EXCUSED: Bartling, Day, Hunt, and Two Bulls.

The task force recessed at 10:05 a.m. and reconvened at 1:05 p.m.

Senator Adelstein reported that each of the twenty-one findings submitted are scientifically based, and each finding is appropriately sourced. He said that everyone agrees that the ultimate goal is to reduce the number of abortions in South Dakota; however, he said that the procedure still should be an option to women who decide to have an abortion, based on her particular circumstances. Senator Adelstein asked for adoption of all twenty-one findings.

**SENATOR ADELSTEIN AGAIN MADE A SUBSTITUTE MOTION, SECONDED BY MS. HOLCOMB, THAT THE TASK FORCE ADOPT DOCUMENT #4 AS THE TASK FORCE'S FINAL REPORT.**

**Senator Jay Duenwald** said that he takes exception to some of the findings and said that he would vote to reject the substitute motion.

**Senator Adelstein's substitute motion failed on a roll call vote, with 4 voting AYE, 10 voting NAY, and 3 EXCUSED. Those voting AYE: Adelstein, Bell, Holcomb, and Looby. Those voting NAY: Allison, Bartling, Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day, Hunt, and Two Bulls.**

**MS. LOOBY MOVED, SECONDED BY SENATOR ADELSTEIN, THAT DOCUMENT #4 BE INCLUDED IN THE FINAL REPORT AS A MINORITY REPORT.**

**Senator Brock Greenfield** said that the idea of a minority report being included in the final report was rejected during the 2005 Legislative Session.

Ms. Holcomb said that it is imperative that a minority report be included and that the final report just not be a foregone conclusion of the entire Task Force proceedings.

Representative Krause took issue with Ms. Holcomb's statement and said that the individuals sharing the minority opinion have had a voice in the Task Force's deliberations.

Senator Adelstein said that HB 1233 does not prohibit a minority report. He said that a minority report is important to indicate that there was other thinking by some Task Force members concerning the abortion issue.

Senator Greenfield said that a motion made by Senator Adelstein during session regarding a minority report was rejected.

Ms. Looby said that her recollection of the discussion during the 2005 Legislative Session was that the Task Force would decide whether to include a minority report.

**Senator Julie Bartling** said that the minority report will be included in the minutes as are other official documents.

**Dr. Maria Bell** asked if the minority report could be placed on the website.

Ms. Holcomb said that the minority report should be placed on the website and that she cannot understand why the Task Force would have an objection to it being so placed so that it can be available to the Legislature and the public.

Representative Kraus said that she is concerned that the publication of the minority report would weaken the position of the Attorney General of the State of South Dakota in defending the ongoing lawsuits.

Chair Allison said that including the minority report might give more weight to the thought of why the majority report was written as it has been. She said that the public can see both sides of the issue and the thought that went into the majority report. Chair Allison said that she does not understand why a minority report should not be included.

**Ms. Looby's motion that the package of findings be included in the final report as a minority report failed on a roll call vote with 5 voting AYE, 9 voting NAY, and 3 EXCUSED. Those voting AYE: Adelstein, Allison, Bell, Holcomb, and Looby. Those voting NAY: Bartling, Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day, Hunt, and Two Bulls.**

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT FINDING NUMBER 4—QUALITY OF SCIENTIFIC EVIDENCE—AS LISTED IN DOCUMENT NUMBER 4 BE INCLUDED IN THE FINAL REPORT. The motion failed on a roll call vote with 5 voting AYE, 10 voting NAY, and 2 EXCUSED. Those voting AYE: Adelstein, Allison, Bell, Holcomb, and Looby. Those voting NAY: Bartling, Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day, Hunt, and Two Bulls.**

**MS. HOLCOMB MOVED, SECONDED BY DR. BELL, THAT FINDING NUMBER 1—REDUCING ABORTIONS—AS LISTED IN DOCUMENT NUMBER 4 BE INCLUDED IN THE FINAL REPORT.**

Senator Greenfield said that the majority report addresses reducing abortions and that this language is redundant.

Senator Adelstein said that the motion makes it clear that the Task Force is serious about reducing the number of abortions.

Dr. Bell suggested that the majority report be changed to read as Finding Number 1, if Senator Greenfield's contention is that the motion means the same that is in the majority report regarding reducing abortions.

**Ms. Holcomb's motion that Finding Number 1—Reducing Abortions—as listed in Document Number 4 be included in the final report failed on a roll call vote with 5 voting AYE, 10 voting NAY, and 2 EXCUSED. Those voting AYE: Adelstein, Allison, Bell, Holcomb, and Looby. Those voting NAY: Bartling, Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day, Hunt, and Two Bulls.**

**MS. HOLCOMB MOVED, SECONDED BY SENATOR ADELSTEIN, THAT FINDING NUMBER 2—REDUCING UNWANTED PREGNANCY—AS LISTED IN DOCUMENT NUMBER 4 BE INCLUDED IN THE FINAL REPORT.**

Representative Kraus said that she objects to the requirement in Finding Number 2 that the South Dakota Legislature require all health insurance insurers to also provide coverage for outpatient prescription contraceptive drug or devices because insurance companies already are leaving the state due to mandated coverages.

Dr. Bell said that comprehensive sex education alone is not enough to reduce unintended pregnancy, contraception information and availability also are key to the problem.

Ms. Holcomb said that the "just say no" concept has not proven effective for reducing unintended pregnancies.

Ms. Looby said that a comprehensive sex education program, including contraception information, with an abstinence message, works best for preventing unintended pregnancies. She said that abortion rates are lower in other countries where all components surrounding sex education are provided.

Chair Allison agreed that it is important to educate children on all ways to prevent an unintended pregnancy. She said that comprehensive sex education does not promote sex among children. Chair Allison said that comprehensive sex education also teaches and advocates abstinence.

Dr. Unruh said that pregnancy is defined differently in Europe and other countries, so he disagreed with the contention that abortion rates are lower in other countries. Also, responding to Dr. Bell, Dr. Unruh said that he will provide information to the contrary.

**SENATOR GREENFIELD MOVED, SECONDED BY SENATOR ADELSTEIN, THAT MS. HOLCOMB'S MOTION THAT FINDING NUMBER 2—REDUCING UNWANTED PREGNANCY—AS LISTED IN DOCUMENT NUMBER 4 BE INCLUDED IN THE FINAL REPORT BE TABLED. The motion prevailed on a roll call vote with 11 voting AYE, 3 voting NAY, and 3 EXCUSED. Those voting AYE: Allison, Bartling, Bell, Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those voting NAY: Adelstein, Holcomb, and Looby. Those EXCUSED: Day, Hunt, and Two Bulls.**

**SENATOR ADELSTEIN MOVED, SECONDED BY MS. LOOBY, THAT FINDING NUMBER 3—CONSTITUTIONAL FREEDOM OF SPEECH AND RELIGION—AS LISTED IN DOCUMENT NUMBER 4 BE INCLUDED IN THE FINAL REPORT. The motion failed on a voice vote with 4 voting AYE, 10 voting NAY, and 3 EXCUSED. Those voting AYE: Adelstein, Bell, Holcomb, and Looby. Those voting NAY: Allison, Bartling, Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day, Hunt, and Two Bulls.**

The Task Force recessed at 2:16 p.m. and reconvened at 2:35 p.m.

Chair Allison turned the gavel over to Dr. Bell.

Chair Allison distributed copies of two resolutions:

**Resolution A**—It is the considered opinion of the Task Force that the Legislature should, all other circumstances being equal, prohibit as a matter of public policy the practice of abortion in the State of South Dakota. However, because the predominate consideration for this finding is the state's paramount concern for the physical, mental, and emotional well-being of the pregnant woman, certain exceptions to the general policy of prohibition should be statutorily recognized and provided for in those special circumstances where the adverse consequences of undergoing an abortion would be substantially less risky or harmful to the physical, mental, and emotional well-being of the pregnant woman than the birth of the child. Within these parameters, the Task Force finds the following to merit great consideration:

1. That the pregnancy or birth would constitute an undue and serious risk to the health or life of the pregnant woman;
2. That the pregnancy, if carried to term, would have no reasonable expectation of any resolution other than the birth of a child who had no medically accepted possibility of surviving birth or early infancy as in the case of anencephaly or some other usually fatal catastrophic anomaly or condition;
3. That the pregnancy was the result of rape;
4. That the pregnancy was the result of incest.

In crafting legislation implementing these exceptions, the Legislature should carefully weigh the public interest in protecting the vital importance for protecting all life per se against the profound importance of inappropriate and undue interference with the rights of the individual.

**Resolution B**—The Task Force finds that there is considerable evidence to support the contention that the public schools are failing to provide an appropriate, balanced, factual, effectual, and comprehensive sex education curriculum with a dominant focus on the prevention of unwanted pregnancies and sexually transmitted diseases. As a practical matter, no public policy that the Legislature is capable of formulating and implementing is as likely to result in lowering the number of unplanned, unwanted pregnancies and thus abortions among young South Dakota women as quality sex education instruction delivered in a timely fashion and in adequate quantity. The Task Force believes that a strong emphasis on abstinence cannot be allowed to outweigh the primary public policy considerations of preventing more unwanted pregnancies and sexually transmitted diseases by any means that are legal, available, effective, and hygienic. To achieve this paramount objective, our public schools' sex education curricula should utilize a proportionate, but comprehensive and pragmatic, approach emphasizing the maximization of results in the form of fewer unwanted pregnancies and sexually transmitted diseases.

**CHAIR ALLISON MOVED, SECONDED BY SENATOR ADELSTEIN, THAT RESOLUTION A BE INCLUDED IN THE FINAL REPORT.**



Chair Allison said that generally abortions should be prohibited, but there are some unfortunate circumstances when women should be given the option of an abortion. She said that it would be wrong for the state to make such a decision for a woman in those circumstances. Chair Allison said that the report should include the Task Force's considerations of exceptions for when an abortion may be performed.

Senator Duenwald said that he would oppose the motion because of the broad definition of "health" as decided in the United States Supreme Court, which he said does little to prevent abortions.

Senator Adelstein said that he supports the motion because it provides some needed exceptions when abortions should be performed, if a woman chooses to do so.

**The motion failed on a roll call vote with 3 voting AYE, 12 voting NAY, and 2 EXCUSED. Those voting AYE: Adelstein, Allison, and Bell. Those voting NAY: Bartling, Benson, Duenwald, Greenfield, Holcomb, Hunt, Kraus, Looby, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day and Two Bulls.**

**CHAIR ALLISON MOVED, SECONDED BY SENATOR ADELSTEIN, THAT RESOLUTION B BE INCLUDED IN THE FINAL REPORT. The motion failed on a roll call vote with 5 voting AYE, 10 voting NAY, and 2 EXCUSED. Those voting AYE: Adelstein, Allison, Bell, Holcomb, and Looby. Those voting NAY: Bartling, Benson, Duenwald, Greenfield, Hunt, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Day and Two Bulls.**

Dr. Allison resumed as Chair.

Ms. Looby said that she has some points of clarification and some concerns regarding the Report of the South Dakota Task Force to Study Abortion Submitted to the Governor and Legislature of South Dakota (Document #3).

On page 14, footnote 3, paragraph 4, first sentence, Ms. Looby said that she did not agree to give a tour of Planned Parenthood in Sioux Falls to the Task Force. Rather, Ms. Looby said that she would discuss it with the office's board, which she did, and the board said that there would be no tours of the facility.

Ms. Holcomb said that she can understand why the tour was disallowed due to security concerns.

Also, on page 14, Ms. Looby objected to footnote 3, paragraph 5, first sentence. She said that Planned Parenthood has nothing to hide, contrary to what is stated.

Ms. Looby said that on page 15, paragraph 1, the recording played over the telephone does not review fetal development at that time; that conversation is held at another time.

Senator Adelstein asked for a division of each point.

Ms. Looby said that she wants the language regarding the tour to be changed to read that Planned Parenthood was unable to provide a tour.

Representative Hunt agreed with Ms. Looby. He said that the footnote should be rewritten because he remembers the discussion as stated by Ms. Looby.

Representative Bartling agreed.

Ms. Looby said that the entire number 3 footnote should be stricken from the report.

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT FOOTNOTE NUMBER 3 ON PAGE 14 BE REMOVED FROM THE REPORT.**

Representative Hunt and Dr. Wachs said that the first paragraph of Footnote Number 3 should remain because it is a truthful statement.

Ms. Looby agreed, with the agreement of the second, to amend her motion to leave the first paragraph of Footnote Number 3 as written.

**The motion prevailed on a voice vote.**

**MS. LOOBY MOVED, SECONDED BY REPRESENTATIVE KRAUS, THAT ON PAGE 15, THE SECOND SENTENCE OF THE FIRST PARAGRAPH BE REMOVED. The motion prevailed on a voice vote.**

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT THE LAST SENTENCE OF THE SECOND PARAGRAPH BE REMOVED.**

Representative Hunt suggested that the beginning of the last sentence of the second paragraph read "It is clear from South Dakota law" and continue by inserting SDCL 34-23-10.1(2).

**REPRESENTATIVE KRAUS MADE A SUBSTITUTE MOTION, SECONDED BY DR. UNRUH, THAT THE LAST SENTENCE OF THE SECOND FULL PARAGRAPH BE AMENDED TO READ AS STATED BY REPRESENTATIVE HUNT.**

Ms. Looby suggested that perhaps the statute should be included as a footnote.

Representative Hunt and Mr. Benson agreed.

**REPRESENTATIVE HUNT MADE A SUBSTITUTE MOTION, SECONDED BY MR. BENSON, THAT THE LAST SENTENCE OF THE SECOND FULL PARAGRAPH BE REMOVED AND SDCL 34-23-10.1(2) BE INCLUDED AS AN EXHIBIT. The substitute motion prevailed on a voice vote.**

Ms. Looby said that the first two lines of the third paragraph on page 15 imply that Planned Parenthood is not complying with the law, which is not the case, so **MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT THE FIRST TWO LINES OF THE THIRD PARAGRAPH ON PAGE 15 BE DELETED AND FIRST WORD OF THE NEXT SENTENCE BE DELETED.**

Ms. Holcomb supported the motion and said that Planned Parenthood provides information in accordance with state statute.

Dr. Bell said that Planned Parenthood offers the information to the patient so the paragraph, as written, is not true.

**SENATOR ADELSTEIN MADE A SUBSTITUTE MOTION, SECONDED BY MS. HOLCOMB, THAT THE ENTIRE PARAGRAPH THREE BE DELETED.**

Dr. Wachs concurred that perhaps the entire paragraph should be removed.

**The substitute motion failed on a roll call vote with 6 voting AYE, 9 voting NAY, and 2 EXCUSED. Those voting AYE: Adelstein, Allison, Bell, Holcomb, Looby, and Wachs. Those voting NAY: Bartling, Benson, Duenwald, Greenfield, Hunt, Kraus, Miles, Stransky, and Unruh. Those EXCUSED: Day and Two Bulls.**

Representative Hunt said that deleting the last two sentences of the third paragraph would not be appropriate because they are important and accurate.

**REPRESENTATIVE HUNT MADE A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE KRAUS, THAT THE FIRST TWO LINES OF PARAGRAPH THREE BE DELETED AND THAT THE LAST TWO SENTENCES BE AMENDED TO READ AS FOLLOWS:**

**"THE STATE'S PREPRINTED INFORMATION DOES NOT MAKE IT CLEAR THAT THE PROCEDURE WILL TERMINATE THE LIFE OF A LIVING HUMAN BEING. IT ONLY LISTS ASPECTS OF FETAL DEVELOPMENT." The motion prevailed on a voice vote.**

**SENATOR ADELSTEIN MOVED, SECONDED BY DR. BELL, THAT IN DOCUMENT #3, PAGE 19, DELETE THE LAST TWO FULL PARAGRAPHS.**

**REPRESENTATIVE KRAUS MADE A SUBSTITUTE MOTION, SECONDED BY DR. UNRUH, THAT THE SECOND PARAGRAPH BE AMENDED TO READ AS FOLLOWS:**

**"THE TASK FORCE CONCLUDES THAT THERE IS NO TRADITIONAL OR HEALTHY PHYSICIAN-PATIENT RELATIONSHIP BETWEEN AN ABORTION DOCTOR AT PLANNED PARENTHOOD IN SOUTH DAKOTA. . . ."**

Ms. Looby said that she strongly urged defeat of the substitute motion.

Representative Hunt expressed support for the substitute motion.

**Representative Kraus's substitute motion prevailed on a roll call vote with 10 voting AYE, 5 voting NAY, and 2 EXCUSED. Those voting AYE: Bartling, Benson, Duenwald, Greenfield, Hunt, Kraus, Miles, Stransky, Unruh, and Wachs. Those voting NAY: Adelstein, Allison, Bell, Holcomb, and Looby. Those EXCUSED: Day and Two Bulls.**

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT IN DOCUMENT #3, THE FIRST PARAGRAPH ON PAGE 19, DELETE "NONE OF THESE FOUR OUT-OF-STATE ABORTION DOCTORS HAVE HOSPITAL PRIVILEGES IN THE SIOUX FALLS AREA."**

Representative Hunt said that the statement is true.

Ms. Looby said that the statement is false.

Ms. Looby also said that in Document #3, second paragraph, second sentence, "only" should be deleted.

**DR. UNRUH MADE A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE HUNT, THAT IN DOCUMENT #3, SECOND PARAGRAPH, SECOND SENTENCE, BE AMENDED TO READ "ONLY ONE OF THESE FOUR OUT-OF-STATE. . . ."**

**SENATOR ADELSTEIN MOVED, SECONDED BY, SECONDED BY DR. BELL, THAT THE PENDING MOTION BE AMENDED SO THAT IN DOCUMENT #3, PAGE 19, SECOND PARAGRAPH, SECOND SENTENCE, BE AMENDED TO READ: "ONE OF THESE FOUR OUT-OF-STATE . . . ." The motion prevailed on a voice vote.**

Dr. Unruh's motion, as amended, prevailed on a voice vote.

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT A SENTENCE BE ADDED TO THE END OF THE FIRST PARAGRAPH AS FOLLOWS:**

**"HOWEVER, THIS IS NOT UNCOMMON IN THE FIELD OF MEDICINE."**

The motion failed on a voice vote.

**SENATOR ADELSTEIN MOVED, SECONDED BY MS. HOLCOMB, THAT IN DOCUMENT #3, PAGE 23, FIRST PARAGRAPH, FIRST SENTENCE, AFTER "WOMEN" INSERT "FROM STATES OTHER THAN SOUTH DAKOTA".**

Dr. Unruh said that the way the sentence is stated is fine.

Ms. Holcomb said that the majority of the testifiers were from out-of-state.

**SENATOR GREENFIELD MOVED, SECONDED BY SENATOR DUENWALD, TO TABLE THE MOTION. The motion prevailed on a voice vote.**

**SENATOR ADELSTEIN MOVED, SECONDED BY DR. BELL, ON PAGE 23, AFTER A SECOND FULL PARAGRAPH ADD THE FOLLOWING "THE TASK FORCE RECEIVED CREDIBLE TESTIMONY THAT ITS MUST BE RECOGNIZED THAT THE THOUSANDS OF WOMEN WHO HAD ABORTIONS WERE NOT ONLY RELIEVED BUT FELT THAT IT WAS ESSENTIAL TO THEIR MENTAL HEALTH AND PHYSICAL HEALTH, GENERALLY CHOSE**

**TO NOT TESTIFY DUE TO THE PROBABLE ENSUING HARASSMENT.** The motion failed on a voice vote.

**MS. LOOBY MOVED, SECONDED BY MS. HOLCOMB, THAT ON PAGE 41 OF THE REPORT (DOCUMENT #3) UNDER SUBDIVISION 2, NUMBER 1 IS A TRUE STATEMENT, AND IT SHOULD BE REMOVED FROM THE LISTING UNDER MISREPRESENTATIONS.** The motion failed on a voice vote.

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT ON PAGE 41 OF THE REPORT (DOCUMENT #3) UNDER SUBDIVISION 2, NUMBER 2 IS A TRUE STATEMENT, AND IT SHOULD BE REMOVED FROM THE LISTING UNDER MISREPRESENTATIONS.** The motion failed on a voice vote.

**MS. LOOBY MOVED, SECONDED BY SENATOR ADELSTEIN, THAT ON PAGE 41 OF THE REPORT (DOCUMENT #3) UNDER SUBDIVISION 2, NUMBER 3 IS A TRUE STATEMENT, AND IT SHOULD BE REMOVED FROM THE LISTING UNDER MISREPRESENTATIONS.**

**SENATOR GREENFIELD MOVED, SECONDED BY DR. UNRUH, TO TABLE THE MOTION.** The motion prevailed on a voice vote.

**MS. LOOBY MOVED, SECONDED BY MS. HOLCOMB, THAT ON PAGE 41 OF THE REPORT (DOCUMENT #3) UNDER SUBDIVISION 2, NUMBER 4 HAS NOT BEEN STATED, AND IT SHOULD BE REMOVED FROM THE LISTING UNDER MISREPRESENTATIONS.** The motion failed on a voice vote.

**MS. LOOBY MOVED, SECONDED BY MS. HOLCOMB, THAT ON PAGE 41 OF THE REPORT (DOCUMENT #3) UNDER SUBDIVISION 2, NUMBER 5 IS A TRUE STATEMENT, AND IT SHOULD BE REMOVED FROM THE LISTING UNDER MISREPRESENTATIONS.** The motion failed on a voice vote.

Stating that the statement in Number 6 is true and borne out by research conducted by governmental agencies, **MS. LOOBY MOVED, SECONDED BY MS. SENATOR ADELSTEIN, THAT ON PAGE 41 OF THE REPORT (DOCUMENT #3) UNDER SUBDIVISION 2, NUMBER 6 IS A TRUE STATEMENT, AND IT SHOULD BE REMOVED FROM THE LISTING UNDER MISREPRESENTATIONS.**

Dr. Bell asked if the Task Force is going to disregard governmental statistics and Center for Disease and Control (CDC) facts.

Representative Kraus said that the CDC only looks at a narrow window in their reports.

Mr. Looby said that there are scientific guidelines that they must follow. She said that facts cannot be changed just because it does not fit someone's ideology.

Dr. Bell said that the items listed as misrepresentations are based on prospective information and that she refutes everything that has been listed under misrepresentations.

**Ms. Looby's motion regarding number 6 failed on a voice vote.**

**MS. LOOBY MOVED, SECONDED BY DR. BELL, THAT ON PAGE 42 OF THE REPORT (DOCUMENT #3) DELETE SECTION E. The motion failed on a voice vote.**

Dr. Bell stated that Dr. Byron Calhoun responded negatively when asked if he would want to work in a place where he could not perform an abortion and said that the statement should be included in the material on page 13, and **DR. BELL MOVED, SECONDED BY MS. LOOBY, THAT THE DOCUMENT BE SO AMENDED.**

Representative Kraus said that the statement should not be included unless permission is granted from Dr. Calhoun.

Mr. Benson said that the report does not contain testimony with which the Task Force does not agree.

Dr. Bell stated that is exactly why the report is flawed and not complete.

Ms. Looby commented that in her opinion the Task Force was intended to be a fact-finding body and has been reduced to a deliberative body making facts fit an ideology.

Dr. Bell's motion failed on a voice vote.

**SENATOR ADELSTEIN MOVED, SECONDED BY DR. BELL, THAT IN DOCUMENT #3, PAGE 37, IN THE FIRST PARAGRAPH UNDER SUBDIVISION 1, SECOND SENTENCE, DELETE "AT THEIR URGING". AND ON PAGE 38, DELETE THE FIRST SENTENCE. The motion failed on a voice vote.**

**SENATOR GREENFIELD MOVED, SECONDED BY DR. STRANSKY, TO STRIKE "AT THEIR URGING." The motion prevailed on a voice vote.**

**SENATOR ADELSTEIN MOVED, SECONDED BY MS. LOOBY, TO CALL THE QUESTION ON THE ORIGINAL MOTION TO ADOPT DOCUMENT #3 AS THE FINAL REPORT.**

**Senator Adelstein's motion to call the question failed on a roll call vote with 5 voting AYE, 8 voting NAY, and 3 EXCUSED. Those voting AYE: Adelstein, Allison, Bell, Holcomb, and Looby. Those voting NAY: Benson, Duenwald, Greenfield, Kraus, Miles, Stransky, Unruh, and Wachs. Those EXCUSED: Bartling, Day, Hunt, Two Bulls.**

**REPRESENTATIVE KRAUS MOVED, SECONDED BY SENATOR GREENFIELD, THAT THE TASK FORCE RECESS FOR TEN MINUTES. The motion prevailed on a voice vote.**

The Task Force recessed at 4:53 p.m. and reconvened at 5:08 p.m.

**MS. LOOBY MOVED, SECONDED BY DR. BELL, IN DOCUMENT #3, PAGE 53, ITEM NUMBER 3, BREAST CANCER, BE DELETED AND REPLACED BY FINDING #20, BREAST CANCER, IN DOCUMENT #4.**

**SENATOR GREENFIELD MOVED, SECONDED BY DR. UNRUH, TO TABLE THE MOTION. The motion prevailed on a voice vote.**

At this time, Senator Adelstein, Dr. Bell, Ms. Holcomb, and Ms. Looby left the meeting.

**SENATOR GREENFIELD MOVED AS A SUBSTITUTE MOTION, SECONDED BY DR. UNRUH, THAT THE TASK FORCE ACCEPT DOCUMENT #3, AS AMENDED, AS THE TASK FORCE'S FINAL REPORT.**

Chair Allison said that she would not support the motion because Document #3, as amended, does not include a provision for allowing abortions under certain circumstances or a provision for comprehensive and balanced sex education.

**The substitute motion prevailed on a roll call vote with 9 voting AYE, 1 voting NAY, and 7 EXCUSED. Those voting AYE: Benson, Duenwald, Greenfield, Hunt, Kraus, Miles, Stransky, Unruh, and Wachs. Those voting NAY: Allison. Those NOT VOTING: Adelstein, Bartling, Bell, Day, Holcomb, Looby, and Two Bulls.**

**MR. BENSON MOVED, SECONDED BY SENATOR GREENFIELD, THAT STAFF PUT DOCUMENT #3 IN AN APPROPRIATE AND PRINTABLE FORM, CORRECTING ALL ERRORS AND INACCURACIES. The motion prevailed on a voice vote.**

**DR. UNRUH MOVED, SECONDED BY DR. STRANSKY, THAT THE REPORT ALSO BE AVAILABLE ON THE INTERNET. The motion prevailed on a voice vote.**

### **Adjournment**

**SENATOR GREENFIELD MOVED, SECONDED BY REPRESENTATIVE MILES, THAT THE MEETING BE ADJOURNED. The motion prevailed on a voice vote.**

The Task Force adjourned at 5:35 p.m.



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